

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-00310-JRG

**DECLARATION OF ANDREW S. ONG IN SUPPORT OF COMMSCOPE’S MOTION
FOR PARTIAL SUMMARY JUDGMENT REGARDING PRIOR ART STATUS**

I, Andrew S. Ong, declare:

1. I am a partner at Goodwin Procter LLP, counsel of record for Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology (collectively, “CommScope”). I am over the age of 18 years, have personal knowledge of the matters in this declaration, and if called as a witness, I would and could competently testify to them.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the [Proposed] Joint Pretrial Order for Family 3 Infringement and Validity Phase in *TQ Delta, LLC v. Pace Americas*, Case No. 13-cv-1835-RGA (“2Wire”), ECF No. 1142.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from Exhibit 1 to the [Proposed] Joint Pretrial Order for Family 3 Infringement and Validity Phase *TQ Delta, LLC v. Pace Americas*, Case No. 13-cv-1835-RGA (“2Wire”), ECF No. 1142-1.

4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the [Proposed] Joint Pretrial Order for Family 6 – Validity Only Trial in *TQ Delta, LLC v. Pace Americas*, Case No. 13-cv-1835-RGA (“*2Wire*”), ECF No. 1613.

5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from Exhibit 1 to the [Proposed] Joint Pretrial Order for Family 6 – Validity Only Trial in *TQ Delta, LLC v. Pace Americas*, Case No. 13-cv-1835-RGA (“*2Wire*”), ECF No. 1613-1.

6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from ITU-T Recommendation G.993.1.

7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from ITU-T Recommendation G.992.1.

8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from ITU-T SG15/Q4 Contribution LB-031.

9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from ITU-T SG15/Q4 Contribution SC-060.

10. Attached hereto as **Exhibit I** is a true and correct copy of excerpts from the Order After Pretrial Conference re: Family 3 in *TQ Delta, LLC v. Pace Americas*, Case No. 13-cv-1835-RGA (“*2Wire*”), ECF No. 1145.

11. Attached hereto as **Exhibit K** is a true and correct copy of excerpts from the Order After Pretrial Conference re: Family 6 in *TQ Delta, LLC v. Pace Americas*, Case No. 13-cv-1835-RGA (“*2Wire*”), ECF No. 1611.

12. Attached hereto as **Exhibit K** is a true and correct copy of excerpts from the Opening Expert Report of Dr. Richard Wesel on the Invalidity of the Asserted Claims of the Family 3 Patents (U.S. Patent Nos. 7,844,882; 8,276,048; 8,495,473; 9,547,608), dated August 29,

2022.

13. Attached hereto as **Exhibit L** is a true and correct copy of excerpts from the Opening Expert Report of Bruce McNair on the Invalidity of the Asserted Claims of the Family 6 Patents (U.S. Patent Nos. 8,462,835; 8,594,162), dated August 29, 2022.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 14, 2022, in San Francisco, California.

/s/ Andrew S. Ong
Andrew S. Ong